

REMARKS

The Office Action was issued on pending claims 1-23. Claims 1-15 and 17-23 were rejected and claim 16 was objected to. In this response, claims 1, 4, 5, 15, and 17-19 have been amended, claims 24-27 have been added, and no claims have been canceled. Thus, claims 1-27 are pending in the case.

In Office Action paragraph 6, claim 16 was objected to as being dependent upon a rejected base claim, but noted as being allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants thank the Examiner for this notice of allowable subject matter. Claim 24 has been added which is claim 16 rewritten in independent form. Thus, Applicants submit that claim 24 is allowable.

In Office Action paragraphs 1-5, various rejections were entered. Claims 1-3, 5-9, 14, 15, 17, 19, and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dickey, U.S. Patent No. 3,367,380. Claims 1-9, 14, and 17-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Calhoun, U.S. Patent No. 3,319,684. Claims 1, 2, 5, 6-12, 17, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hlavaty, German Patent No. 26 13 724. Claims 1, 2, 4, 6-10, 13, 14, 17, 18, and 21-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by LaFleur, U.S. Patent No. 6,371,646.

Regarding the § 102(e) rejection based on LaFleur '646, a § 1.131 Affidavit signed by inventor, Sydney T. Smith is enclosed. The Smith § 1.131 Affidavit establishes that the invention was conceived of and reduced to practice at least as early as November, 1999, which predates the July 26, 2000 effective date of LaFleur '646. Accordingly, the Smith § 1.131 Affidavit removes LaFleur '646 as a prior art reference. Thus, Applicants submit that the rejection based on LaFleur '646 has been overcome.

Turning to independent claims 1 and 17, claims 1 and 17 have been amended to further clarify the claimed invention. Claim 1 has been amended to include originally-filed claim 4 and claim 17 has been amended to include originally-filed claim 18. Claims 4 and 18 were not rejected in view of Dickey or Hlavaty. Thus, Applicants submit that the § 102(b) rejections in view of Dickey and Hlavaty have been overcome. Claim 1 has been further amended to call for the end panel having at least one portion extending outwardly from the sleeve beyond the imaginary plane when the end panel is in an unfolded position. This amendment is supported by

the specification at page 10, line 27 - page 11, line 4 and Fig. 4. Independent claim 17 has been similarly amended to call for at least one portion to extend outwardly from the sleeve beyond the imaginary plane when the end panel is in an unfolded position.

Calhoun pertains to a collapsible container. As shown in Figs. 1-3 of Calhoun, the collapsible container 1 has sides 5, ends 4, a top 2, and a bottom 3. Nowhere does Calhoun disclose or suggest that any of the sides 5, ends 4, top 2, or bottom 3 extend outward when in an unfolded position. Rather, the Calhoun container appears to have flat sides, ends, top, and bottom when in an unfolded position, such as to provide a neat cubical shape. See Calhoun, column 2, lines 7-9. Fig. 5 of Calhoun shows end 4 folding outwardly as the container 1 is collapsed. See Calhoun, column 2, lines 18-30. Accordingly, Calhoun does not disclose or suggest Applicants' claimed end panel having at least a portion extending outwardly beyond the imaginary plane when the end panel is in an unfolded position. Thus, Applicants respectfully submit that the § 102(b) rejection based on Calhoun has been overcome.

Thus, Applicants submit all of the rejections have been overcome and the claims are allowable.

Claims 4, 5, 18, and 19 have been amended to clarify the claims in view of the amendments made to their respective independent claims 1 and 17. Claim 15 has been amended merely to correct a typographical error in that the claim should depend from claim 14.

New claims 24-27 have been added. New claim 24 is originally-filed claim 16 rewritten in independent form as mentioned above. New claim 25 is similar to originally-filed claim 13 rewritten in independent form. Claim 13 was not rejected in view of Dickey, Calhoun, or Hlavaty. New claim 26 is similar to a combination of originally-filed claims 1, 10, and 14. Applicants note that claim 10 was not rejected in view of Dickey or Calhoun and claim 14 was not rejected in view Hlavaty. Applicants submit that new claims 24-27 are allowable.

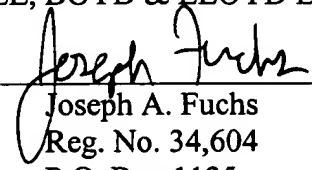
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

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Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend claims 1, 4, 5, 15, and 17–19 to read as follows:

1. (Amended) A flexible container comprising:
a plurality of panels joined together to form a sleeve, the panels each having an end edge that cooperate to define an imaginary plane at one end of the sleeve; and
an end panel connected to the panels at the one end of the sleeve, the end panel having at least one portion extending outwardly from the sleeve beyond the imaginary plane when the end panel is in an unfolded position.
4. (Amended) The container of claim ~~13~~ wherein the portion of the second end panel extends outwardly from the sleeve.
5. (Amended) The container of claim 1 wherein the ~~portion extends inwardly towards the sleeve~~ end panel is in a position folded on top of one of the plurality of panels when the flexible container is in a folded position.
15. (Amended) The container of claim ~~14~~ wherein the port has a port closure connected thereto.
17. (Amended) A flexible container comprising:
a plurality of panels joined together to form a sleeve, the panels each having an end edge that cooperate to define an imaginary plane at one end of the sleeve; and
an end panel connected to the panels at the one end of the sleeve, the end panel having a plurality of converging surfaces, the surfaces having at least one portion extending outwardly from the sleeve beyond the imaginary plane when the end panel is in an unfolded position.
18. (Amended) The container of claim 17 ~~wherein the~~ further comprising a second end panel at a second end of the sleeve and having a plurality of converging surfaces which extend outwardly from the sleeve.

19. (Amended) The container of claim 17 wherein the end panel is in a position folded on top of one of the plurality of panels when the flexible container is in a folded position
~~converging surfaces extend inwardly towards the sleeve.~~